

Customer No. 27061
Confirmation No. 5758

Patent
Attorney Docket No. GEMS8081.237

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ertel, Jason R.
Serial No. : 10/711,759
Filed : October 4, 2004
For : RADIOGRAPHIC DETECTOR DOCKING STATION WITH
DYNAMIC ENVIRONMENTAL CONTROL
Group Art No. : 3744
Examiner : Melvin Jones

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

☐ deposited with the US Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 CFR 1.8(a)

37 CFR 1.10

☐ with sufficient postage as first class mail ☐ As "Express Mail Post Office to Addressee" Mailing Label No.

Transmission

- ☐ transmitted by facsimile to Fax No.: 571-273-8300 addressed to Examiner Melvin Jones at the Patent and Trademark Office.
■ transmitted by EFS-WEB addressed to Examiner Melvin Jones at the Patent and Trademark Office.

Date: February 24, 2009

/Gregory V. Madden/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSIVE TO THE NOTICE OF NON-COMPLIANT APPEAL BRIEF
MAILED FEBRUARY 4, 2009

Dear Sir:

Responsive to the Notice of Non-Compliant Brief mailed February 4, 2009,
Appellant requests consideration of the remarks set forth below.

REMARKS

In the Notification of Non-Compliant Brief mailed February 4, 2009, the Examiner stated that the Appeal Brief filed on November 4, 2008 was non-compliant because “[t]he heading under item 6 is incorrect; it should read – ‘Grounds of rejection to be reviewed on appeal’.” *See Notification of Non-Compliant Appeal Brief*, February 4, 2009. While MPEP §1205.03 states that such a minor non-compliance in an Appeal Brief should not require a corrected brief, Appellant has nonetheless amended **Section 6** of the Appeal Brief to include the correct heading. Please amend Section 6 to read as follows:

3. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

In the Final Office Action mailed June 4, 2008, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by JP 2002006049 (Canon Inc.).

Appellant appreciated the consideration of these amendments and Remarks and cordially invites the Examiner to call the undersigned, should any matters be considered unresolved.

Dated: February 24, 2009
Attorney Docket No.: GEMS8081.237

Respectfully submitted,

/Timothy J. Ziolkowski/

P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100

Timothy J. Ziolkowski
Registration No. 38,368
Phone 262-268-8181
tjz@zpspatents.com